

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
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**FISCAL IMPACT STATEMENT**

**LS 6453**

**BILL NUMBER: SB 81**

**DATE PREPARED:** Feb 23, 2001

**BILL AMENDED:** Feb 22, 2001

**SUBJECT:** Postconviction DNA Testing and Analysis.

**FISCAL ANALYST:** Mark Goodpaster

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**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

- (A) It allows a person who was convicted of and sentenced for murder or a Class A, Class B, or Class C felony to petition a court to require the forensic DNA testing and analysis of any evidence that may exonerate or reduce the sentence of the person.
- (B) It requires the prosecuting attorney to notify the victim of the offense after a petition has been filed.
- (C) It requires the court to grant the petition in certain circumstances.
- (D) It requires the prosecuting attorney to notify the convicted person anytime that the prosecuting attorney conducts postconviction DNA testing and analysis that will consume all of the available biological evidence.
- (E) It requires, subject to the right of the prosecuting attorney to seek additional testing upon good cause shown, that the court order a new trial when DNA testing and analysis produces evidence favoring the convicted person.

**Effective Date:** July 1, 2001.

**Explanation of State Expenditures:** The Indiana State Police operates a laboratory which administers the Convicted Offender Data Base and provides DNA testing when there is biological evidence in criminal cases. The Convicted Offender Data Base includes the DNA profiles of almost 20,000 offenders who are in DOC facilities.

If the court orders forensic DNA analysis of any evidence that is in the Criminal Offender Data Base, then the scientists and technicians employed by the State Police would be responsible for performing this work. The scientists and key staff who are responsible for this analysis may also be required to testify as expert witnesses during any trials concerning the results and accuracy of the analysis performed. If courts order that more analyses involving DNA materials be analyzed, then the workload would likely increase for the State Police laboratory.

The funds and resources required above could be supplied through a variety of sources, including the following: (1) Existing staff and resources not currently being used to capacity; (2) Existing staff and resources currently being used in another program; (3) Authorized, but vacant, staff positions, including those positions that would need to be reclassified (there were 217 vacant positions in the Indiana State Police as of November 2000); (4) Funds that, otherwise, would be reverted (the State Police reverted \$143,118 to the General Fund in FY 2000); or (5) New appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** (Revised) If a convicted offender petitions the sentencing court, a court may order that biological evidence collected at the crime scene be compared with a DNA sample of the convicted offender. Then, the offender, through legal counsel would employ a private laboratory approved by the American Society of Crime Laboratory Directors Laboratory Accreditation Board to do this analysis. Four private laboratories are accredited nationwide which can perform DNA analysis. The estimated cost of analyzing a single sample is \$1,000. Depending on the offender's financial status, the court may require the person who was convicted of the offense to pay the costs associated with the DNA testing and analysis.

Added expenditures for the local courts would depend on the number of requests that offenders make, the ability of the offenders to pay for the analyses, and the number of samples that would have to be analyzed in any particular case.

The sentencing courts in Indiana have reportedly allowed offenders to petition for post-conviction testing of biological samples since 1992.

The prosecuting attorney would be required to notify the victims of a crime when an offender petitions for post-conviction tests.

**Explanation of Local Revenues:**

**State Agencies Affected:** Indiana State Police.

**Local Agencies Affected:** Trial courts, prosecuting attorney's office.

**Information Sources:** Eric Lawrence, Director of Forensic Analysis, Indiana State Police, 1999 Indiana State Police; Steve Johnson, Prosecuting Attorneys Council.